

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

RANDY LEWIS,)	CASE NO. 5:06 CV 659
)	
Plaintiff,)	JUDGE JOHN R. ADAMS
)	
v.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
JOHN D. FERRERO, et al.,)	
)	
Defendants.)	

On March 22, 2006, plaintiff pro se Randy Lewis, an inmate at the Lorain Correctional Institution, filed this action against John D. Ferrero, Jennifer L. Dave, Kristina Powers and Bennie Kelly.¹ The complaint asserts that the indictment which initiated criminal proceedings in the Ohio Court of Common Pleas was invalid, and that plaintiff's subsequent conviction was improper because of numerous constitutional violations.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental employee or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C.

¹ Two motions to "amend" complaint, wherein plaintiff revised the statutory basis for his claim and requested a jury trial, have been granted, and those changes are considered as part of the original complaint for the purposes of this opinion.

§1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

The complaint explicitly challenges plaintiff's conviction and current confinement in a correctional institution. When a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." Preiser v. Rodriguez, 411 U.S. 475 (1973).

Accordingly, this action is dismissed pursuant to 28 U.S.C. § 1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

S/John R. Adams 5/17/06
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE